



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,670	09/15/2003	Robert Nasimov	NASR64A	1860

7590 09/29/2004

RICHARD L. MILLER  
12 Parkside Drive  
Dix Hills, NY 11746-4879

EXAMINER
----------

SAFAVI, MICHAEL

ART UNIT	PAPER NUMBER
----------	--------------

3673

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/662,670		NASIMOV, ROBERT	
	<b>Examiner</b>		<b>Art Unit</b>	
	M. Safavi		3673	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 15, 16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/15/03</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-13 and 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 presents a "track wall" and proceeds to recite that the "track wall" functions as a sole plate and that the "track wall" functions as a top plate, (see lines 1-3 of claim 5). It is not clear as to what position the recited track wall is in relation to the shear wall. Is the track wall a "top plate" or a "sole plate"? Or, should claim 5 introduce another track wall with one of the track walls positioned as a sole plate and another of the track walls positioned as a top plate?

Claim 19, lines, 7-8, "said pair of through bores in said base plate" lacks antecedent basis within the claim as does "said base plate". Lines 9-10, it is not clear as to what is being defined by "...that ultimately receive a pair of nuts". Do the anchor bolts have nuts positioned on them or not?

Claim 19, lines, 8-9, "said pair of through bores in said base plate" lacks antecedent basis within the claim as does "said base plate". Line 10, it is not clear as to what is being defined by "...that ultimately receive a pair of nuts". Do the anchor bolts have nuts positioned on them or not? Line 11, "said studs" lacks antecedent basis within the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States;

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Herren.

Herren discloses, Figs. 1-6, a shear wall joint or joints having a bracket 32 integrally formed with the shear wall with the bracket attaching the shear wall to a substrate 16. The bracket 32 consists of a base 36 and a pair of sidewalls 38 with the base of the bracket abutting against the substrate 16. The base of the bracket has a pair of through bores 37 for affixing to the substrate 16. Each sidewall of the bracket has a plurality of through bores 42.

Claims 1, 2, 4, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Strange. Strange discloses, Figs. 1, 4, and 5, a shear wall joint or joints having a bracket 60, 74 integrally formed with the shear wall with the bracket attaching the shear wall to a substrate 132, 136. The bracket 60, 74 consists of a base and a pair of side walls with the base of the bracket abutting against the substrate. Each sidewall of the

Art Unit: 3673

bracket has a plurality of through bores 77. At least two diagonal braces 66, 68 extend from the bracket.

Claims 1-3, 5, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Granieri. Granieri discloses, Fig. 1, a shear wall joint or joints having a bracket 14' integrally formed with the shear wall with the bracket attaching the shear wall to a substrate, (shown partially by 54). The bracket 14' consists of a base and a pair of sidewalls. The base of the bracket has a pair of through bores 20'. A track wall 14, functioning as a top plate, has a base and side walls and has through bores 20 aligned with the through bores 20' of the bracket. A base plate 32 sits within the bracket 14'.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strange. Strange does not specifically disclose how the diagonal bracing members are attached to plates 55, 56, 65. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the diagonal bracing members to plates 55, 56, 65 as by screws or bolts thus providing a plurality of through bores at ends of each bracing member.

Claims 15, 16, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6, 10-13, and 19-21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (703) 308-2481. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



**MICHAEL SAFAVI  
PRIMARY EXAMINER  
ART UNIT 354**

M. Safavi  
September 22, 2004